

JACK B. MCCOWAN, JR. (SBN: 62056)
 LINDA L. NUSSER (SBN: 132154)
 CHARLES E. WILSON (SBN: 225625)
 GORDON & REES LLP
 Embarcadero Center West
 275 Battery Street, Suite 2000
 San Francisco, CA 94111
 Telephone: (415) 986-5900
 Facsimile: (415) 986-8054

MICHAEL L. O'DONNELL, *Pro Hac Vice*
 JOSEPH B. VALENTINE, *Pro Hac Vice*
 SEAN G. SAXON (SBN: 230054)
 WHEELER TRIGG KENNEDY LLP
 1801 California Street, Suite 3600
 Denver, CO 80202
 Telephone: (303) 244-1800
 Facsimile: (303) 294-1879

Attorneys for Defendants
 GUIDANT CORPORATION, INC., ADVANCED
 CARDIOVASCULAR SYSTEMS, INC., ORIGIN
 MEDSYSTEMS, INC. and ENDOVASCULAR
 TECHNOLOGIES, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CAROL DAVIS, as executrix of the Estate of
 FRANK DAVIS, and CAROL DAVIS,
 individually, WENDY KAY HARRIS and
 LORI SORRETT,

Plaintiffs,

v.

GUIDANT CORPORATION, INC., et al.,

Defendants.

CASE NO. 5:04-cv-00613 JF/PVT

**STIPULATED MOTION TO DISMISS
 CASE WITH PREJUDICE, AND
 [PROPOSED] ORDER**

Judge Presiding: Hon. Jeremy Fogel
 Date Action Filed: February 13, 2004
 Trial Date: November 3, 2006

1 The parties have resolved the above-captioned matter and hereby move the Court to
2 dismiss this case, with prejudice, each party to bear its own costs and fees. Wherefore, the
3 parties ask that the Court enter an order of dismissal consistent with this motion.

4
5 Respectfully submitted,

6 Dated: September 8, 2006

SCARTELLI & DISTASIO LAW FIRM, P.C.

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8 By: /s/
9 MELISSA A. SCARTELLI
Attorneys for Plaintiffs

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11 Dated: September 8, 2006

GORDON & REES LLP

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13 By: /s/
14 LINDA L. NUSSER
Attorneys for Defendants

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16 **PURSUANT TO THE ABOVE STIPULATION, THE COURT HEREBY GRANTS THE**
17 **MOTION AND DISMISSES THIS CASE, WITH PREJUDICE, EACH PARTY TO**
18 **BEAR ITS OWN COSTS AND FEES.**

19
20 Dated: September 8, 2006

21 
Hon. Jeremy Fogel
United States District Court Judge